



# Senate

General Assembly

**File No. 155**

February Session, 2022

Substitute Senate Bill No. 185

*Senate, March 29, 2022*

The Committee on General Law reported through SEN. MARONEY of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING COUNTERFEIT, NOVELTY AND UNSAFE LIGHTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2022*) (a) For the purposes of this  
2       section:

3       (1) "Counterfeit lighter" means any lighter that infringes on the  
4       intellectual property rights of (A) any citizen of the United States, or (B)  
5       any entity that is protected by any federal or state intellectual property  
6       law;

7       (2) "Novelty lighter" (A) means any lighter that (i) is designed to  
8       appear as a toy, (ii) produces entertaining audio or visual effects,  
9       including, but not limited to, musical notes or flashing lights, or (iii)  
10      resembles, in physical form and function, (I) any battery, beverage,  
11      cartoon character, cell phone, gun or other weapon, food, musical  
12      instrument, sporting equipment, vehicle or watch, or (II) any item  
13      intended for use by persons younger than twelve years of age, and (B)

14 does not include any standard disposable or refillable cigarette or  
15 pocket lighter that includes, or is decorated with, any artwork, decal,  
16 heat-shrinkable sleeve, label or logo;

17 (3) "Lighter" means any electrical or mechanical device that (A)  
18 operates using any type of fuel, including, but not limited to, butane or  
19 another liquid fuel, and (B) is typically used to light a cigarette, cigar or  
20 pipe; and

21 (4) "Unsafe lighter" means (A) any disposable or refillable cigarette or  
22 pocket lighter that does not comply with American Society for Testing  
23 and Materials Standard F400-20, as amended from time to time, and (B)  
24 any grill or utility lighter that does not comply with American Society  
25 for Testing and Materials Standard F2201-20, as amended from time to  
26 time.

27 (b) (1) Except as provided in subdivision (2) of this subsection, no  
28 person shall offer or sell any counterfeit lighter, novelty lighter or unsafe  
29 lighter in this state, including, but not limited to, by way of providing a  
30 free sample to a person in this state, regardless of whether such person  
31 is offering or selling such lighter on a retail basis, wholesale basis, online  
32 or in person.

33 (2) The provisions of this section shall not be construed to prohibit  
34 (A) the interstate transportation of counterfeit lighters, novelty lighters  
35 or unsafe lighters through this state, or (B) the storage of counterfeit  
36 lighters, novelty lighters or unsafe lighters in any distribution center or  
37 warehouse located in this state if such distribution center or warehouse  
38 is closed to the public and does not distribute or sell, at retail, such  
39 lighters to the public.

40 (c) The State Fire Marshal, any local fire marshal empowered to  
41 enforce the State Fire Prevention Code or Fire Safety Code and any  
42 person aggrieved by any violation of subsection (b) of this section may  
43 bring a civil action in the Superior Court to recover damages from the  
44 person who is alleged to have committed such violation.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2022</i>	New section
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**GL**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill has no fiscal impact. It prohibits the sale or distribution of counterfeit or unsafe lighters. It allows the State Fire Marshall and local fire marshals to bring civil action against anyone who violates the bill's provisions. This is not anticipated to significantly increase the number of civil actions that the state or municipalities are party to.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 185*****AN ACT CONCERNING COUNTERFEIT, NOVELTY AND UNSAFE LIGHTERS.*****SUMMARY**

This bill generally prohibits offering or selling a counterfeit, novelty, or unsafe lighter in Connecticut. This includes providing them as a free sample to someone in the state, regardless of whether the person is offering or selling the lighter on a retail or wholesale basis, in person, or online.

The bill specifies that it does not prohibit the (1) interstate transportation of these lighters through the state or (2) storage of these lighters in any Connecticut distribution center or warehouse that is closed to the public and does not distribute or sell at retail to the public.

The bill allows the State Fire Marshal, a local fire marshal that enforces the State Fire Prevention Code or Fire Safety Code, and any other person aggrieved by a violation to bring civil action in Superior Court to recover damages from the person who is alleged to have committed the violation.

EFFECTIVE DATE: October 1, 2022

**LIGHTERS**

Under the bill, a “lighter” is any electrical or mechanical device that (1) operates using any type of fuel, including butane or another liquid fuel, and (2) is typically used to light a cigarette, cigar, or pipe.

A “counterfeit lighter,” is a lighter that infringes on the intellectual property rights of a U.S. citizen or entity protected by federal or state intellectual property law.

A “novelty lighter” is a lighter that

1. is designed to appear as a toy;
2. produces entertaining audio or visual effects, including musical notes or flashing lights; or
3. resembles, in physical form and function a (a) battery, beverage, cartoon character, cell phone, gun or other weapon, food, musical instrument, sporting equipment, vehicle, or watch; or (b) item intended for use by those under age 12.

A novelty lighter does not include any standard disposable or refillable cigarette or pocket lighter that includes, or is decorated with, any artwork, decal, heat-shrinkable sleeve, label, or logo.

An “unsafe lighter,” means (1) a disposable or refillable cigarette or pocket lighter that does not comply with American Society for Testing and Materials (ASTM) standards for lighters (F400-20) and (2) a grill or utility lighter that does not comply with ASTM standards for utility lighters (F2201-20).

## **COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea    18    Nay   0    (03/15/2022)